

Liability issues related to access – Lenore Beyer-Clow

Lenore started out the session by engaging the group to determine what their experience had been in being denied access because landowners were concerned with liability.

Your Experience –

Examples:

1) Water ways/trails: **Paddling** group on Mazon river, were trying to put in on the river approached by CPO and asked to leave

2) On the Big Vermillion River, a cement company has restricted access on that river by **canoe** and **kayak** because it flows through their property. There was discussion on the differences and complications of water law and access issues. At this location, there is a dam on the property and also a fish ladder, but the company seems worried about liability.

3) Landowner on Kishwaukee frequently is approached by **hunters** about access to her land. She usually turns them down because the neighbors complain about gunshots.

4) **Snowmobiler** and safety instructor, used to have ability to drive any frozen waterway, now they do not have that ability. (2) The change in the law restricted coverage for liability to just hunting and recreational shooting. However, snowmobilers do have coverage under a separate public act.

5) **Rock climbing**, is limited to primarily to the southern part of state. Climbers recently lost a beloved area, Drappers bluff, which was purchased in early 1990s, owned by climber who provided access to the public for climbing. The owner was informed that he was liable for injuries on this property, so the site was closed. This is why the climbers are interested in this bill.” If we get this bill passed, we will get what we need.”

6) IL farm bureau gave some history on the changes to the law in 2005. The Farm Bureau received many calls from landowners who were worried about liability following IL supreme court decision, Lenore explained that the issue within the court case was that the landowner invited individuals on property. The Farm Bureau expressed interest in protections for all forms of recreation.=. IFB wants protection expanded beyond just hunting and shooting.

7) Neighbors who live around a forest preserve or conservation district site would be covered if individuals who were at the site wandered onto or cut across their property.

The current or proposed legislation does not cover people who charge for access

Is there a companion to HB in senate/ – no.

As we launch a public awareness campaign of this issue. Here are some key messages to use.

Key Messages

- Increasing land available for recreation without costing the state any money., just incentive to landowners
- Cuts across a broad swath of people who engage in=, many different type of recreation
- Landowners need an incentive to do this open their land
- Public good concept, landowners are providing land for the public to conduct recreation, conservation and education activities.

The method for getting more people involved in this issue—

Openlands will continue to focus on moving legislation forward – but they need help and constituent to reach out to their legislators.

Haven't done this before, because we were told if trial lawyers were on board this would not be necessary, but that is not moving forward, so now we need a grassroots effort.

Recommendations: (also on Openlands website) www.openlands.org

Text of 6072 is on website, went through committee.

Engage your membership – action alerts. There are three different versions of action alerts, for you to use and send out to your members, also have post cards in the packet for individuals to send to their legislators.

While this sort of action usually works best with a deadline, the campaign is designed to raise awareness and move the issue forward in the minds of legislators and the public.

Engage legislators – fact sheets, sample letter,

Engage/Inform the media

- Sample press releases
- Sample letter to editor
- We need to generate more local outreach and then personalize it with specific examples

Assuming this passes how do we educate landowners, also need to educate users about good stewardship

Have you thought about targeting specific areas and passing things out? We have not gotten that specific yet

A handout that explains this in general terms could be useful if it could be distributed at public events, etc.

State missed boat by not taking advantage of abandoned RR etc. or acquiring abandoned strip mines.

Property land owner adjacent to public property, am I liable if they get hurt on my property? -- yes
Let OpenLands know if you are working on this. Now is the time to get this going.

ILLINOIS DEPARTMENT OF NATURAL RESOURCES

HUNTING HERITAGE PROGRAM CONCEPTUAL PLAN

Prepared by: John Buhnerkempe
Version: April 1, 2010

According to the Department of Natural Resources Act (20 ILCS 801/1-15) the Department of Natural Resources “shall recognize, preserve, and promote our special heritage of recreational hunting and trapping by providing opportunities to hunt and trap in accordance with the Wildlife Code”. Furthermore, Conservation Congress this fall has stressed the importance of recruiting and retaining hunters and other recreational users and providing access to lands for the purpose supporting outdoor recreational activities.

To meet our legal obligations and the recommendations Conservation Congress, the Division of Wildlife Resources would like to recommend the development of Hunting Heritage Program that would:

Suggested Objectives:

- 1) Develop a comprehensive ten year plan for the Program within one year of hiring Program Manager.

General agreement on this, I think you are going to need some flexibility built into this, we are going to have to figure out what works, we may not want to stick with the same thing for 10 years if it is not working. The plan needs to be dynamic. 10-yr strategic plan with 3 year action/implementing plans.

- 2) Increase the number of acres available for hunters on public {and private} lands (Federal, State, local units of government) by 5% annually over the next 10 years.

How many acres are there now? And then figure out what the appropriate number is. Need assessment of how many acres are out there now (maybe this should be the objective – figure out what is available for hunters/trappers across the state. Not just what is, but what could be hunted now. Step back and make an assessment first on this one. Originally had something in the original report, especially taking a look at what we have and what could be use, “increasing” as a general goal would be good. Low hanging fruit will be available early but then this will get harder. What is a good time frame for the assessment, within first year (or by next congress). Are we talking about new acres or opening up areas for new uses? May want to look at specific species opportunities. Expanding for some things like squirrels rabbits (the things people start on). Have we ever looked at capacity for the area to support hunting? This would also include new lands (acquisition), where are the best opportunities and needs for new lands (may be more need for upland areas) also may have geographic aspect, some areas need more. Have to also consider other uses as well. Complexity of our regulations on state sites also is an issue – too much regulation may limit use. Maybe judge progress by hunting days rather than/or in addition to just acres. One way we currently measure is the number of hunting opportunity days we offer. People like this (hunting days) approach. One participant would love to see more hunting opportunities in Winnebago County. Difficult to put in a specific number because we need to research a number of things to make this number a good goal – “increasing the number of hunters on public lands” as the goal and then plugging in an objective of determining a good number to put in this objective. Increased funding for acquisition from willing sellers would be good to add as well.

- 3) Maintain hunter numbers at 300,000 over the next 10 years based upon DNR Direct sales figures

What is it now – 300,000 (includes non-residents ~20,000). Goal is maintaining, most states are looking at declines. Would be easy to assess. Problem would be what is driving those numbers. E.g., are youth hunts recruiting new members. Are we tracking youth through our programs (are they buying permits)? Year-to-year turnover may be high confusing this. People get turned off if there are not good numbers returns on hunting trips, for example quail. Interactions with other hunters may impact this, e.g., deer hunters might be excluding upland game hunters.

- 4) Increase hunter satisfaction with all Department hunting/trapping programs to 75% within 5 years as measured by the INHS Human Dimension Program's Hunter Harvest Survey.

What is the current satisfaction rate? Varies from one program to the next. Look at important barriers to satisfaction and then pick the ones that we can address. Can we target the hunters that are "falling out" for a targeted survey as to why they are stopping? How are we insuring that we get a full survey from our hunter satisfaction surveys? Do the surveys get into the mechanics for the programs, e.g., check stations, etc? if the plan is a ten year plan, then this should match that, regardless this goal should match the time of the plan above.

- 5) Review and evaluation existing DNR programs to remove barriers that may be having a negative impact on hunting. Allowing youth hunters to kill bucks, lowered his interest in allowing that program on his land. Al Also knows others that feel/act the same way. Look
- 6) ? Private lands, 1) liability issue, 2) relationship between landowner and hunter needs to be degree of trust, 3) incentives, what will it take to get private lands opened up. Why not have an objective about going to landowners and explaining the programs. Private land issue was the big thing they talked about in the sub-committees leading up to the first conservation congress. Important to look at the private land aspect, either separately or incorporate this into some of the other objectives. Federal money coming through the Farm Bill – can IL make use of these funds? WI, uses tax incentives, more reduction if you allow public access than if you don't. If we could add this on to CSP or something is something to look into.

Suggested Strategies

- 1) Create a Hunting Heritage Advisory Board that would advise the Program on Plan development and provide oversight of Plan implementation

What is the membership that we need on this committee? Don't want to too big ~12 individuals or so. Who would be leading the board – probably the program director but open to other ideas? Highly recommend bringin in a strategic planning consultant. PF would like to be a member. Maybe by area -- upland game group, landowner group(s), Farm Bureau, maybe even different region representation, sportsman's clubs, forested wildlife, deer hunters, IFOR representation, NRA, some other conservation group (with a possible opposing view), local units of government (IL assoc of Forest preserves districts), soil and water conservation districts. Dept of Ag, USFWS. Should be an odd number. "Brenda's Group" others to consider IL corn growers, IL soybean association, beef growers group or livestock group.

- 2) Develop and implement a project that communicates the fundamental principles and values of our hunting/trapping heritage (e.g., North American Model of Wildlife Conservation).
- 3) Increase hunter/trapper awareness of wildlife, habitat conservation and ethics.
- 4) Develop, implement, and maintain a project that would provide hunters/trappers and other wildlife recreationists information on the status of wildlife and associated recreational activities (e.g., I-HUNT Illinois web site).

- 5) Foster coordination among State, Federal, local units of government, industry, and hunting/trapping organizations to open land to hunting/trapping.
- 6) Provide oversight with maximizing access on existing public land and reducing regulations on public lands
- 7) Increase public land recreational opportunities through land acquisition
- 8) Develop and implement projects to improve hunters/trappers access to private lands
- 9) Develop and implement a plan to recruit new hunters and keep existing hunters engaged.
- 10) Increase public awareness and support for hunting/trapping.

Funding Options:

Wildlife and Fish Fund

Federal Aid in Wildlife Restoration Operational Project (75% reimbursement)

USDA Voluntary Public Access Program